

STATE PERSONNEL BOARD CALENDAR



JULY 25, 2006

SACRAMENTO

State of California

Memorandum

DATE: July 14, 2006

TO: ALL INTERESTED PARTIES

FROM: STATE PERSONNEL BOARD – Executive Office

SUBJECT: Notice and Agenda for the **July 25, 2006**, meeting of the State Personnel Board.

PLEASE TAKE NOTICE that on July 25, 2006, at offices of the State Personnel Board, located at 801 Capitol Mall, Room 150, Sacramento, California, the State Personnel Board will hold its regularly scheduled meeting. Pursuant to Government Code section 11123, a teleconference location may be conducted for this meeting at 320 W. 4th Street, Los Angeles, California.

The attached Agenda provides a brief description of each item to be considered and lists the date and approximate time for discussion of the item.

Also noted is whether the item will be considered in closed or public session. Closed sessions are closed to members of the public. All discussions held in public sessions are open to those interested in attending. Interested members of the public who wish to address the Board on a public session item may request the opportunity to do so.

Should you wish to obtain a copy of any of the items considered in the public sessions for the July 25, 2006, meeting, please contact staff in the Secretariat's Office, State Personnel Board, 801 Capitol Mall, MS 52, Sacramento, California 95814 or by calling (916) 653-0429 or TDD (916) 654-2360, or the Internet at:

<http://www.spb.ca.gov/calendar.htm>

Should you have any questions regarding this Notice and Agenda, please contact staff in the Secretariat's Office at the address or telephone numbers above.

A handwritten signature in black ink, appearing to read 'Karen Yu', with a stylized flourish at the end.

Karen Yu
Secretariat's Office

Attachment



CALIFORNIA STATE PERSONNEL BOARD

801 Capitol Mall • Sacramento, California 95814 • www.spb.ca.gov

ARNOLD SCHWARZENEGGER, Governor



CALIFORNIA STATE PERSONNEL BOARD MEETING¹

801 Capitol Mall
Sacramento, California

Public Session Location – 801 Capitol Mall
Sacramento, California, Room 150
Teleconference – 320 West 4th Street²
Los Angeles, California, Suite 620

Closed Session Location – 801 Capitol Mall
Sacramento, California, Room 141
Teleconference – 320 West 4th Street
Los Angeles, California Suite 620

MID MONTH MEETING – JULY 25, 2006

¹ Sign Language Interpreter will be provided for Board Meeting upon request - contact Secretariat at (916) 653-0429, or CALNET 453-0429, TDD (916) 654-2360.

²Pursuant to Government Code section 11123, a teleconference location may be conducted for this meeting at 320 West 4th Street, Los Angeles, California.

MID MONTH MEETING AGENDA³

JULY 25, 2006
9:00 a.m. – 11:00 a.m.
(or upon completion of business)

PLEASE NOTE: ALL TIMES ARE APPROXIMATE AND ARE SUBJECT TO CHANGE

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

(9:00 a.m. – 9:30 a.m.)

- 1. ROLL CALL**
- 2. REPORT OF THE EXECUTIVE OFFICER – Floyd D. Shimomura**
- 3. REPORT OF THE CHIEF COUNSEL – Elise Rose**

4. NEW BUSINESS

Items may be raised by Board Members for scheduling and discussion for future meetings.

5. REPORT ON LEGISLATION – Sherry Evans

The Board may be asked to adopt a position with respect to the bills listed on the legislation memorandum attached hereto.

(9:30 a.m. – 10:00 a.m.)

6. SPECIAL HEARING – California State Personnel Board Staff

Approximately nine of the forty largest state department directors will meet with the Board to review progress and efforts to comply with statutes pertaining to civil rights and equal employment opportunity.

³ The Agenda for the Board can be obtained at the following internet address:
<http://www.spb.ca.gov/calendar.htm>

CLOSED SESSION OF THE STATE PERSONNEL BOARD

(10:00 a.m. – 10:30 a.m.)

7. EMPLOYEE APPOINTMENTS, DISCIPLINARY MATTERS, AND OTHER APPEALS

Deliberations to consider matter submitted at prior hearing.
[Government Code Sections 11126(d), 18653.]

8. DELIBERATION ON ADVERSE ACTIONS, DISCRIMINATION COMPLAINTS, AND OTHER PROPOSED DECISIONS SUBMITTED BY ADMINISTRATIVE LAW JUDGES

Deliberations on matters submitted at prior hearing; on proposed, rejected, remanded, and submitted decisions; petitions for rehearing; and other matters related to cases heard by administrative law judges of the State Personnel Board or by the Board itself. [Government Code Sections 11126 (d), and 18653 (2).]

9. PENDING LITIGATION

Conference with legal counsel to confer with and receive advice regarding pending litigation when discussion in open session would be prejudicial.
[Government Code sections 11126(e)(1) and 18653.]

Connerly v. State Personnel Board, California Supreme Court,
Case No. S125502.

International Union of Operating Engineers v. State Personnel Board,
Public Employment Relations Board (PERB) Case No. SA-CE-1295-S.

10. RECOMMENDATIONS TO THE LEGISLATURE

Deliberations on recommendations to the legislature.
[Government Code section 18653.]

11. RECOMMENDATIONS TO THE GOVERNOR

Deliberations on recommendations to the Governor.
[Government Code section 18653.]

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

(10:30 a.m. – Onwards)

12. DISCUSSION OF COMING BOARD MEETING SCHEDULE OF AUGUST 8, 2006, IN LOS ANGELES, CALIFORNIA

BOARD ACTIONS:

13. **ADOPTION OF THE STATE PERSONNEL BOARD SUMMARY MINUTES OF JUNE 21, 2006**
14. **EVIDENTIARY CASES - (See Case Listings on Pages 8–13)**
15. **RESOLUTION EXTENDING TIME UNDER GOVERNMENT CODE SECTION 18671.1 EXTENSION - (See Agenda on Pages 19–20)**
16. **NON-EVIDENTIARY CASES - (See Case Listings on Pages 13–17)**
17. **NON-HEARING CALENDAR**

The following proposals are made to the State Personnel Board by either the Board staff or Department of Personnel Administration staff. It is anticipated that the Board will act on these proposals without a hearing.

Anyone with concerns or opposition to any of these proposals should submit a written notice to the Executive Officer clearly stating the nature of the concern or opposition. Such notice should explain how the issue in dispute is a merit employment matter within the Board's scope of authority as set forth in the State Civil Service Act (Government Code section 18500 et seq.) and Article VII, California Constitution. Matters within the Board's scope of authority include, but are not limited to, personnel selection, employee status, discrimination and affirmative action. Matters outside the Board's scope of authority include, but are not limited to, compensation, employee benefits, position allocation, and organization structure. Such notice must be received not later than close of business on the Wednesday before the Board meeting at which the proposal is scheduled. Such notice from an exclusive bargaining representative will not be entertained after this deadline, provided the representative has received advance notice of the classification proposal pursuant to the applicable memorandum of understanding. In investigating matters outlined above, the Executive Officer shall act as the Board's authorized representative and recommend the Board either act on the proposals as submitted without a hearing or schedule the items for a hearing, including a staff recommendation on resolution of the merit issues in dispute.

- A. **BOARD ITEMS PRESENTED BY STATE PERSONNEL BOARD OR DEPARTMENT OF PERSONNEL ADMINISTRATION TO ESTABLISH, REVISE OR ABOLISH CLASSIFICATIONS, ALTERNATE RANGE CRITERIA, ETC.**

NONE

B. ABOLISHMENT OF CLASSES THAT HAVE HAD NO INCUMBENTS FOR MORE THAN TWO YEARS. DEPARTMENTS THAT UTILIZE THE CLASS AS WELL AS THE APPROPRIATE UNION HAVE NO OBJECTION TO THE ABOLISHMENT OF THESE CLASSES.

THE DEPARTMENT OF PERSONNEL ADMINISTRATION AND STATE PERSONNEL BOARD propose to abolish the following unused classifications, which have been vacant for more than twenty-four months. Departments that utilize the class as well as the appropriate union have no objection to the abolishment of these classes. When classes are proposed to be abolished which are part of a class series, and other classes within the series will continue to be used, the class specification is included in the board item.

Title	Class Code
California Police Captain	8360
California Police Lieutenant	8356
California Police Officer	8464
California Police Sergeant	8359
Service Assistant (Equipment Parts Operation)	1553
Service Assistant –Engineering	3011
Lead Heavy Equipment Electrician	6815
Radiation Protection Specialist I	7988
Radiation Protection Specialist II	7991
Electrical Drafting Technician	3022
Fair Hearing Specialist, Office of Administrative Hearings	5980
Molding Press Operator	7435
Photocomposition Machine Operator	7253
Photocomposition	7261
Radiological Instrument Technician, Office of Emergency Services	8127
Biological Scientific Illustrator	3041
Printing Art Planner	7235
Agricultural Services Technician I	0055
Agricultural Services Technician II	0053
Food Technology Specialist	9007

18. STAFF CALENDAR ITEMS FOR BOARD INFORMATION

LICENSED VOCATIONAL NURSE (SAFETY)

The Office of the California Prison Healthcare Receiver proposes revisions to the Licensed Vocational Nurse (Safety) classification. The Receiver's revisions provide for use of the class within an institutional setting and do not impact current incumbents.

19. CAREER EXECUTIVE ASSIGNMENT (CEA) CATEGORY ACTIVITY

This section of the Agenda serves to inform interested individuals and departments of proposed and approved CEA position actions.

The first section lists position actions that have been proposed and are currently under consideration.

Any parties having concerns with the merits of a proposed CEA position action should submit their concerns in writing to the Classification and Compensation Division of the Department of Personnel Administration, the Merit Employment and Technical Resources Division of the State Personnel Board, and the department proposing the action.

To assure adequate time to consider objections to a CEA position action, issues should be presented immediately upon receipt of the State Personnel Board Agenda in which the proposed position action is noticed as being under consideration, and generally no later than a week to ten days after its publication.

In cases where a merit issue has been raised regarding a proposed CEA position action and the dispute cannot be resolved, a hearing before the five-member Board may be scheduled. If no merit issues are raised regarding a proposed CEA position action, and the State Personnel Board approves it, the action becomes effective without further action by the Board.

The second section of this portion of the Agenda reports those position actions that have been approved. They are effective as of the date they were approved by the Executive Officer of the State Personnel Board.

A. REQUESTS TO ESTABLISH NEW OR REVISE EXISTING CEA POSITIONS CURRENTLY UNDER CONSIDERATION

PROJECT DIRECTOR, REAL ID PROJECT OFFICE

The Department of Motor Vehicles proposes to allocate the above position to the CEA category. The Project Director, Real ID Project Office is responsible for the overall management of the department's REAL ID organization which includes all aspects of policy, program and project development, and program and project management to meet the Federal REAL ID Act requirement in California.

DEPUTY DIRECTOR, CRIME AND VIOLENCE PREVENTION CENTER

The Department of Justice proposes to allocate the above position to the CEA category. The Deputy Director, Crime and Violence Prevention Center, sets policy on behalf of the Attorney General and the Director that focuses on how the Department will implement and ensure that the resources of the CVPC's Statewide programs are available to the constituents and citizens of California.

**B. EXECUTIVE OFFICER DECISIONS REGARDING REQUESTS TO
ESTABLISH NEW OR REVISE EXISTING CEA POSITIONS**

NONE

20. EMPLOYEE APPOINTMENTS, DISCIPLINARY MATTERS, & OTHER APPEALS

Deliberations to consider matter submitted at prior hearing. [Government Code sections 11126(d), 18653.]

21. WRITTEN STAFF REPORT FOR BOARD INFORMATION

22. PRESENTATION OF EMERGENCY ITEMS AS NECESSARY

23. BOARD ACTIONS ON SUBMITTED ITEMS – (See Agenda on Page 18)

These items have been taken under submission by the State Personnel Board at a prior meeting and may be before the Board for a vote at this meeting. This list does not include evidentiary cases, as those are listed separately by category on this agenda under Evidentiary Cases.

A D J O U R N M E N T

14. EVIDENTIARY CASES

The Board Administrative Law Judges conduct evidentiary hearings in appeals that include, but are not limited to, adverse actions, medical terminations, demotions, discrimination, reasonable accommodations, and whistleblower complaints.

A. BOARD CASES SUBMITTED

These items have been taken under submission by the State Personnel Board at a prior meeting. Cases that are before the Board for vote will be provided under separate cover.

(1) **PRECILLA CALAUNAN, CASE NO. 05-1737RPA**

Appeal from dismissal

Classification: Psychiatric Technician Assistant

Department: Department of Developmental Services

Petition for Rehearing granted March 8, 2006.

Transcript prepared.

Pending oral argument July 11, 2006, Sacramento.

Oral argument heard July 11, 2006, Sacramento.

Case ready for decision by FULL Board.

(2) **PAUL CHATHAM, CASE NO. 05-1287A**

SARAH WIRTH, CASE NO. 05-1599A

Appeal from five percent reduction in salary for six months and two work days suspension

Classification: Correctional Lieutenant and Correctional Sergeant

Department: Department of Corrections and Rehabilitation

Proposed decision rejected May 2, 2006.

Transcript prepared.

Pending oral argument July 11, 2006, Sacramento.

Oral argument heard July 11, 2006, Sacramento.

Case ready for decision by FULL Board.

(3) **JUDY JOHNSON, CASE NO. 05-1367A**

Appeal from automatic resignation

Classification: Motor Vehicle Field Representative

Department: Department of Motor Vehicles

Proposed decision rejected February 21, 2006.

Transcript prepared.

Oral argument (written record) submitted May 2, 2006, Los Angeles.

Case ready for decision by FULL Board.

B. CASES PENDING

ORAL ARGUMENTS

NONE

C. CHIEF COUNSEL RESOLUTIONS

COURT REMANDS

This case has been remanded to the Board by the court for further Board action.

NONE

STIPULATIONS

These stipulations have been submitted to the Board for Board approval, pursuant to Government Code, section 18681.

NONE

D. ADMINISTRATIVE LAW JUDGE'S (ALJ) PROPOSED DECISIONS

PROPOSED DECISIONS

These are ALJ proposed decisions submitted to the Board for the first time.

(1) BAHIA ABDALLAH, CASE NO. 05-1583E

Appeal for discrimination complaints

Classification: Office Assistant (Typing)

Department: Office of Emergency Services

**(2) JEFFREY BLAKLEY, CASE NOS. 05-0404E,
05-1163E & 05-1172E**

Appeal for a request to file charges and whistleblower retaliation complaint

Classification: Correctional Sergeant

Department: Department of Corrections and Rehabilitation

(3) JONATHAN COLE, CASE NO. 05-2945

Appeal from dismissal

Classification: Correctional Officer

Department: Department of Corrections and Rehabilitation

(4) SHELLEY GRAHAM, CASE NO. 05-2357E

Appeal for discrimination complaints

Classification: Associate Information Systems Analyst

Department: Office of Emergency Services

- (5) **DANIEL JAMARILLO, CASE NO. 05-3718**
Appeal from dismissal
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation

- (6) **ELIZABETH LEARY, CASE NO. 04-2358**
Appeal from rejection during probationary period
Classification: Psychiatric Social Worker
Department: Department of Corrections and Rehabilitation

- (7) **MARK MITCHELL, CASE NO. 05-2818**
Appeal from dismissal
Classification: Senior Electronic Data Processing Acquisition Specialist (Technical)
Department: Department of General Services

- (8) **MARK PALMER, CASE NO. 05-0641**
Appeal from dismissal
Classification: Senior Engineering Geologist
Department: Department of Transportation

- (9) **NICOLE STANICH, CASE NO. 05-2361E**
Appeal for discrimination complaints
Classification: Staff service Analyst
Department: Office of Emergency Services

- (10) **FRANK STOAKS, CASE NO. 05-2163**
Appeal from dismissal
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation

- (11) **DONALD THOMAS TRIBBLE, CASE NO. 05-2359E**
Appeal for discrimination complaints
Classification: Dispatcher Clerk
Department: Office of Emergency Services

PROPOSED DECISIONS TAKEN UNDER SUBMISSION AT PRIOR MEETING

These are ALJ proposed decisions taken under submission at a prior Board meeting, for lack of majority vote or other reason.

NONE

PROPOSED DECISIONS AFTER BOARD REMAND

(12) AARON FOUCH, CASE NO. 05-2526PR

Appeal from dismissal

Classification: Correctional Officer

Department: Department of Corrections and Rehabilitation

PROPOSED DECISIONS AFTER SPB ARBITRATION

NONE

E. PETITIONS FOR REHEARING

ALJ PROPOSED DECISIONS ADOPTED BY THE BOARD

The Board will vote to grant or deny a petition for rehearing filed by one or both parties, regarding a case already decided by the Board.

(1) VERL BROWN, CASE NO. 06-0319P

Appeal from whistleblower retaliation complaint

Classification: Investigator

Department: Contractors State License Board

Petition for rehearing filed by appellant to be granted or denied.

WHISTLEBLOWER NOTICE OF FINDINGS

The Board will vote to grant or deny a petition for rehearing filed by one or both parties, regarding a Notice of Findings issued by the Executive Officer under Government Code, section 19682 et seq. and Title 2, California Code of Regulations, section 56 et seq.

NONE

F. PENDING BOARD REVIEW

These cases are pending preparation of transcripts, briefs, or the setting of oral argument before the Board.

(1) DANNY BROWN, CASE NO. 05-2209A

Appeal from dismissal

Classification: Correctional Officer

Department: Department of Corrections and Rehabilitation

Proposed decision rejected April 4, 2006.

Transcript prepared.

Pending oral argument August 8-9, 2006, Los Angeles

- (2) **JACK FRIEDMAN, M.D., CASE NO. 05-2596A**
JOHN S. COLOCOUSIS, M.D., CASE NO. 05-2592A
Appeal from formal reprimand and formal reprimand and five work days suspension
Classification: Physician and Surgeon, Correctional Facility
Department: Department of Corrections and Rehabilitation

Proposed decision rejected June 6, 2006.
Pending transcript.
- (3) **GAIL GARCIA, CASE NO. 05-3030A**
Appeal from constructive demotion
Classification: Office Technician
Department: Department of Developmental Services

Proposed decision rejected May 2, 2006.
Transcript prepared.
Pending oral argument August 8-9, 2006, Los Angeles.
- (4) **RAYMOND GURULE, CASE NO. 05-1351A**
Appeal from dismissal
Classification: Youth Correctional Officer
Department: Department of the Youth Authority

Proposed decision rejected April 4, 2006.
Transcript prepared.
Pending oral argument August 8-9, 2006, Los Angeles.
Oral argument continued.
Pending oral argument September 5-6, 2006, Sacramento.
- (5) **LEE KENDRICK, CASE NO. 04-1620PA**
Appeal from dismissal
Classification: Transportation Surveyor
Department: Department of Transportation

Petition for Rehearing granted April 4, 2006.
Transcript prepared.
Pending oral argument August 8-9, 2006, Los Angeles
- (6) **CHAD LOOK, CASE NO. 04-1789APB**
Appeal for back pay
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation

Proposed decision rejected June 21, 2006.
Transcript prepared.

- (7) **TIFFANY MIRANDA, CASE NO. 05-4330A**
Appeal from dismissal
Classification: Custodian Supervisor II
Department: Department of Corrections and Rehabilitation

Proposed decision rejected June 21, 2006.
Transcript prepared.
- (8) **JONATHAN SILVERMAN, CASE NO. 05-0078A**
Appeal from dismissal
Classification: Workers' Compensation Payroll Auditor
Department: State Compensation Insurance Fund

Proposed decision rejected May 23, 2006.
Transcript prepared.
Pending oral argument September 5-6, 2006, Sacramento.
- (9) **RAYMOND SLEDGE, CASE NO. 04-2809PA**
Appeal from dismissal
Classification: Youth Correctional Counselor
Department: Department of the Youth Authority

Petition for Rehearing granted March 8, 2006.
Transcript prepared.
Pending oral argument August 8-9, 2006, Los Angeles.
- (10) **JAMES STEED, CASE NO. 05-0207PA**
Appeal from constructive medical suspension
Classification: Facility Captain
Department: Department of Corrections and Rehabilitation

Petition for Rehearing granted March 8, 2006.
Transcript prepared.
Pending oral argument August 8-9, 2006, Los Angeles.
Oral argument continued.
Pending oral argument October 10-11, 2006, Sacramento.

16. NON-EVIDENTIARY CASES

A. WITHHOLD APPEALS

Cases heard by a Staff Hearing Officer, a managerial staff member of the State Personnel Board or investigated by Appeals Division staff. The Board will be presented recommendations by a Staff Hearing Officer or Appeals Division staff for final decision on each appeal.

WITHHOLD FROM CERTIFICATION CASES HEARD BY A STAFF HEARING OFFICER

NONE

WITHHOLD FROM CERTIFICATION
CASES NOT HEARD BY A STAFF HEARING OFFICER

- (1) **UZODINMA AGUBATA, CASE NO. 05-2288**
Classification: Youth Correctional Counselor
Department: Department of Corrections and Rehabilitation
Issue: Suitability; firearms prohibition.
- (2) **FREDERICK BERRYMAN, CASE NO. 05-2147**
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
Issue: Suitability; pending criminal prosecution.
- (3) **MICHAEL BRACKEN, CASE NO. 05-2479**
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
Issue: Suitability; had a negative employment record and failed to meet legal obligations.
- (4) **ROBERT CASTILLO, CASE NO. 05-2259**
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
Issue: Suitability; omitted pertinent information and had a negative employment record.
- (5) **PAUL CUNNINGHAM, CASE NO. 05-2402**
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
Issue: Suitability; omitted pertinent information, furnished inaccurate information and had a negative employment record.
- (6) **RENILLO GULLEM, CASE NO. 05-1963**
Classification: Medical Technical Assistant-Psychiatric
Department: Department of Corrections and Rehabilitation
Issue: Suitability; active arrest warrant.
- (7) **BILLY HARRISON, CASE NO. 05-2319**
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
Issue: Suitability; omitted pertinent information and furnished inaccurate information.
- (8) **VERNON JACKSON, CASE NO. 05-2624**
Classification: Youth Correctional Counselor
Department: Department of Corrections and Rehabilitation
Issue: Suitability; negative employment record and failure to meet compliance obligations.

- (9) **JENNAI KEARNEY, CASE NO. 05-2594**
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
Issue: Suitability; omitted pertinent information, furnished inaccurate information.
- (10) **ADAM LOPEZ, CASE NO. 05-2443**
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
Issue: Suitability; omitted pertinent information and had a negative driving record.
- (11) **SENDY LOPEZ, CASE NO. 05-2459**
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
Issue: Suitability; omitted pertinent information and had a negative employment record.
- (12) **JIZETTE NAHAPETIAN, CASE NO. 05-2326**
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
Issue: Suitability; omitted pertinent information, had a negative driving and arrest record, and failed to meet legal obligations.
- (13) **MARGARET PRICE, CASE NO. 05-2315**
Classification: Youth Correctional Counselor
Department: Department of Corrections and Rehabilitation
Issue: Suitability; furnished inaccurate information, had negative law enforcement contacts and non-compliance issues.
- (14) **EDWARD QUIROZ, CASE NO. 05-2871**
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
Issue: Suitability; omitted pertinent information and had a negative employment record.
- (15) **MARC RIOS, CASE NO. 05-2269**
Classification: Youth Correctional Counselor
Department: Department of Corrections and Rehabilitation
Issue: Suitability; omitted pertinent information, furnished inaccurate information and had a negative driving and employment record.
- (16) **JEANINE TAYLOR, CASE NO. 05-2674**
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
Issue: Suitability; a negative military record.

- (17) **CHE WHITESIDE, CASE NO. 05-2296**
Classification: Youth Correctional Counselor
Department: Department of Corrections and Rehabilitation
Issue: Suitability; omitted pertinent information, had a negative employment record and financial issues.
- (18) **MEGAN WHITLEY, CASE NO. 05-2512**
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
Issue: Suitability; a negative employment record.
- (19) **NATHANIEL WRIGHT, CASE NO. 05-2295**
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
Issue: Suitability; omitted pertinent information and had a negative employment, military and law enforcement record.
- (20) **FRANCISCO ZUNIGA, CASE NO. 05-2675**
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
Issue: Suitability; omitted pertinent information, furnished inaccurate information and had negative law enforcement contacts.

B. MEDICAL AND PSYCHOLOGICAL SCREENING APPEALS

Cases heard by a Staff Hearing Panel comprised of a managerial staff member of the State Personnel Board and a medical professional. The Board will be presented recommendations by a Hearing Panel on each appeal.

- (1) **MARCIA KUMMER, CASE NO. 05-2325**
Classification: Correctional Officer
Department: Department of Correction and Rehabilitation
Issue: The appellant does not meet the general requirements deemed essential for a Correctional Officer.

C. EXAMINATION APPEALS
MINIMUM QUALIFICATIONS
MERIT ISSUE COMPLAINTS

Cases heard by a Staff Hearing Officer, a managerial staff member of the State Personnel Board or investigated by Appeals Division staff. The Board will be presented recommendations by a Staff Hearing Officer or Appeals Division staff for final decision on each appeal.

NONE

D. RULE 211 APPEALS
RULE 212 OUT OF CLASS APPEALS
VOIDED APPOINTMENT APPEALS

Cases heard by a Staff Hearing Officer, or a managerial staff member of the State Personnel Board. The Board will be presented recommendations by a Staff Hearing Officer for final decision on each appeal.

NONE

E. REQUEST TO FILE CHARGES CASES

Investigated by Appeals Division staff. The Board will be presented recommendations by Appeals Division staff for final decision on each request.

- (1) MARK ENDSLEY, CASE NO. 05-4450**
Classification: Patient at Patton State Hospital
Department: Department of Mental Health
Issue: The charging party requests to file charges against employees of the Department of Mental Health
- (2) ALEX HERNANDEZ, CASE NO. 05-3832**
Classification: Analyst
Department: Employment Development Department
Issue: The charging party requests to file charges against an employee of the Employment Development Department
- (3) STEVEN M. KAMP, CASE NO. 06-0115**
Classification: Tax Counsel III
Department: Board of Equalization
Issue: The charging party requests to file charges against employees of the Board of Equalization.

PETITIONS FOR REHEARING CASES

- (4) ANTHONY HARDIN, CASE NO. 05-0781P**
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
Issue: Whether SPB erred in determining appellant psychologically disqualified for the position of Correctional Officer

SUBMITTED

1. TEACHER STATE HOSPITAL (SEVERELY), ETC.

Departments of Mental Health and Developmental Services. (Hearing held December 3, 2002.)

2. VOCATIONAL INSTRUCTOR (SAFETY)(VARIOUS SPECIALTIES)

Departments of Mental Health and Developmental Services. (Hearing held December 3, 2002.)

3. TELEVISION SPECIALIST (SAFETY)

The Department of Corrections proposes to establish the new classification Television Specialist (Safety) by using the existing Television Specialist class specification and adding "Safety" as a parenthetical to recognize the public aspect of their job, additional language will be added to the Typical Tasks section of the class specification and a Special Physical Characteristics section will be added. (Presented to Board March 4, 2003.)

4. HEARING – Personal Services Contract #04-03

Appeal of the California State Employees Association from the Executive Officer's April 15, 2004, Approval of Master Contracts between the California Department of Corrections and Staffing Solutions, CliniStaff, Inc., Staff USA, Inc., CareerStaff Unlimited, MSI International, Inc., Access Medical Staffing & Service, Drug Consultants, Infinity Quality Services Corporation, Licensed Medical Staffing, Inc., Morgan Management Services, Inc., Asereth Medical Services, and PrideStaff dba Rx Relief. (Hearing held August 12, 2004.)

5. HEARING

Proposed new and revised State Personnel Board Regulations effecting equal opportunity, discrimination complaints and reasonable accommodation policies and procedures. (Hearing held July 7, 2004.)

6. JUDY JOHNSON, CASE NO. 05-1367A

Appeal from automatic resignation. Motor Vehicle Field Representative. Department of Motor Vehicles. (Oral argument, Written Record submitted May 2, 2006.)

NOTICE OF GOVERNMENT CODE SECTION 18671.1 RESOLUTION

Since Government Code section 18671.1 requires that cases pending before State Personnel Board Administrative Law Judges (ALJ's) be completed within six months or no later than 90 days after submission of a case, whichever is first, absent the publication of substantial reasons for needing an additional 45 days, the Board hereby publishes its substantial reasons for the need for the 45-day extension for some of the cases now pending before it for decision.

An additional 45 days may be required in cases that require multiple days of hearings, that have been delayed by unusual circumstances, or that involve any delay generated by either party (including, but not limited to, submission of written briefs, requests for settlement conferences, continuances, discovery disputes, pre-hearing motions). In such cases, six months may be inadequate for the ALJ to hear the entire case, prepare a proposed decision containing the detailed factual and legal analysis required by law, and for the State Personnel Board to review the decision and adopt, modify or reject the proposed decision within the time limitations of the statute.

Therefore, at its next meeting, the Board will issue the attached resolution extending the time limitation by 45 days for all cases that meet the above criteria, and that have been before the Board for less than six months as of the date of the Board meeting.

GOVERNMENT CODE SECTION 18671.1 RESOLUTION

WHEREAS, Section 18671.1 provides that, absent waiver by the appellant, the time period in which the Board must render its decision on a petition pending before it shall not exceed six months from the date the petition was filed or 90 days from the date of submission; and

WHEREAS, Section 18671.1 also provides for an extension of the time limitations by 45 additional days if the Board publishes substantial reasons for the need for the extension in its calendar prior to the conclusion of the six-month period; and

WHEREAS, the Agenda for the instant Board meeting included an item titled "Notice of Government Code section 18671.1 Resolution" which sets forth substantial reasons for utilizing that 45-day extension to extend the time to decide particular cases pending before the Board;

WHEREAS, there are currently pending before the Board cases that have required multiple days of hearing and/or that have been delayed by unusual circumstances or by acts or omissions of the parties themselves;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the time limitations set forth in Government Code section 18671.1 are hereby extended an additional 45 days for all cases that have required multiple days of hearing or that have been delayed by acts or omissions of the parties or by unusual circumstances and that have been pending before the Board for less than six months as of the date this resolution is adopted.

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(Cal. 07/25/06)

TO: Members
State Personnel Board

FROM: State Personnel Board - Legislative Office

SUBJECT: LEGISLATION

There is no written legislative report at this time. I will give a verbal presentation on any legislative action that has taken place that will be of interest to the Board.

Please contact me directly should you have any questions or comments regarding any bills that you may have an interest in. I can be reached at (916) 653-0453.

A handwritten signature in cursive script that reads 'Sherry A. Evans'.

Sherry Evans
Director of Legislation

STATE PERSONNEL BOARD

NON-HEARING CALENDAR

RE: BOARD DATE JULY 25, 2006

(Cal. 07/25/06)

MEMO TO : STATE PERSONNEL BOARD

FROM : KAREN COFFEE, Chief, Merit Employment and
Technical Resources Division

SUBJECT : Non-Hearing Calendar Items for Board Action

The staff has evaluated these items and recommends the following actions be taken:

- A. BOARD ITEMS PRESENTED BY STATE PERSONNEL BOARD OR DEPARTMENT OF PERSONNEL ADMINISTRATION TO ESTABLISH, REVISE OR ABOLISH CLASSIFICATIONS, ALTERNATE RANGE CRITERIA, ETC.**
- NONE**
- B. ABOLISHMENT OF CLASSES THAT HAVE HAD NO INCUMBENTS FOR MORE THAN TWO YEARS. DEPARTMENTS THAT UTILIZE THE CLASS AS WELL AS THE APPROPRIATE UNION HAVE NO OBJECTION TO THE ABOLISHMENT OF THESE CLASSES. WHEN CLASSES ARE PROPOSED TO BE ABOLISHED WHICH ARE PART OF A CLASS SERIES, AND OTHER CLASSES WITHIN THE SERIES WILL CONTINUE TO BE USED, THE CLASS SPECIFICATION IS INCLUDED IN THE BOARD ITEM.**

Title	Class Code
California Police Captain	8360
California Police Lieutenant	8356
California Police Officer	8464
California Police Sergeant	8359
Service Assistant (Equipment Parts Operation)	1553
Service Assistant –Engineering	3011
Lead Heavy Equipment Electrician	6815
Radiation Protection Specialist I	7988
Radiation Protection Specialist II	7991
Electrical Drafting Technician	3022
Fair Hearing Specialist, Office of Administrative Hearings	5980
Molding Press Operator	7435
Photocomposition Machine Operator	7253
Photocomposition	7261

Title	Class Code
Radiological Instrument Technician, Office of Emergency Services	8127
Biological Scientific Illustrator	3041
Printing Art Planner	7235
Agricultural Services Technician I	0055
Agricultural Services Technician II	0053
Food Technology Specialist	9007

(Cal. 07/25/06)

MEMO TO : STATE PERSONNEL BOARD

FROM : KAREN COFFEE, Chief, Merit Employment and
Technical Resources Division

SUBJECT : Staff Calendar Items for Board Information

LICENSED VOCATIONAL NURSE (SAFETY)

The Office of the California Prison Healthcare Receiver proposes revisions to the Licensed Vocational Nurse (Safety) classification. The Receiver's revisions provide for use of the class within an institutional setting and do not impact current incumbents.

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To: State Personnel Board

From: Karen Coffee, Chief
Jennifer Roche, Personnel Analyst
Merit Employment and Technical Resources Division

Subject: Revisions to the Licensed Vocational Nurse (Safety) Classification Specification

PROPOSED ACTION:

On behalf of the Federal Receiver Robert Sillen California Department of Corrections and Rehabilitation (CDCR) proposes that the attached classification revisions to the Licensed Vocational Nurse (Safety) be adopted.

Staff is in agreement with this proposal.

BACKGROUND:

The Receiver requests this revision so that he can hire Licensed Vocational Nurses to join the medical care teams in California's prisons, pursuant to the Federal Court order vesting him with the power to hire, supervise, promote, transfer and take all other personnel action regarding California Department of Corrections and Rehabilitation employees who perform services related to the delivery of mental health care in the prisons. A copy of the order is attached for your convenience

APPROVAL:

SPB Staff Signature:



Title: Chief, Merit Employment and Technical Resources

Effective Date:

7/10/06

CALIFORNIA STATE PERSONNEL BOARD

SPECIFICATION

Schematic Code: TL81
Class Code: 8274
Established: 8/1/00
Revised: --
Title Changed: --

LICENSED VOCATIONAL NURSE (SAFETY)DEFINITION

Under clinical direction of a registered nurse or physician and under assigned administrative supervision at a State developmental center, State hospital/facility, or correctional facility ~~contracting with the Department of Mental Health for diagnostic and treatment services,~~ in a program providing care to forensic clients, patients, or inmates ~~who are developmentally or mentally disordered offenders;~~ provides a basic level of general nursing care to forensic clients, patients, or inmates with mental, emotional, or developmental disabilities, or visually impaired, medically ill, or infirm forensic clients, patients, or inmates; and does other related work.

DISTINGUISHING CHARACTERISTICS

This class is distinguished from the Licensed Vocational Nurse and the Licensed Vocational Nurse, Departments of Mental Health and Developmental Services, by the custody requirements imposed by the criminal nature of the forensic client, patient, or inmate population and the security features of the facility.

TYPICAL TASKS

May perform nursing procedures as regulated by licensure and certification such as: administering medications by any route except intravenous and intrathecal; performing treatment and procedures including passage of nasogastric tubes, administration of enteral feedings, monitoring of blood glucose, urinary catheterization, and administration of enemas; maintaining infection control by using universal precautions; collecting and documenting in the interdisciplinary notes data such as vital signs, forensic client/patient/inmate behavior, forensic client/patient/inmate response to medications, nursing care, and treatment plan; documenting significant changes in forensic client's/patient's/inmate's behavior and health status in the interdisciplinary notes and reporting those significant changes to both a registered nurse or physician and the assigned supervisor; demonstrating competent and safe utilization of unit and hospital emergency care equipment and techniques; participating as part of the treatment team with other disciplines by contributing to

the overall treatment program for the forensic client/patient/inmate; participating in forensic client/patient/inmate activities including unit routines and specific group activities, as outlined in nursing care plans/Individual Program Plans; using therapeutic nursing interventions and modalities to assist forensic client/patient/inmate in regaining and improving their physical adaptive skills and decreasing maladaptive behavior; assisting rehabilitation therapists in occupational, recreational, and industrial therapy programs for forensic clients/patients/inmates; motivating and assisting forensic clients/patients/inmates to develop self-reliance in activities of daily living; escorting forensic clients/patients/inmates to intramural or extramural medical, health, or other community services; demonstrating awareness of forensic client/patient/inmate rights and the potential for forensic client/patient/inmate abuse; promptly reporting any adverse behavior, forensic client/patient/inmate abuse, or suspected abuse by staff; and observing and intervening in instances of disruptive or assaultive behavior.

Assists staff in the counting, distribution, and accounting for all utensils to prevent their use as weapons; inspecting forensic clients', patients', or inmates' mail and living areas for hazardous contraband; inspecting facility to identify security breaches that could lead to forensic client, patient, or inmate escape; observing and intervening in forensic client, patient, or inmate behavior that may signal an impending escape attempt; and escorting forensic clients, patients, or inmates to other areas of the facility.

MINIMUM QUALIFICATIONS

Possession of a valid, active license from the State of California to practice as a Licensed Vocational Nurse.

KNOWLEDGE AND ABILITIES

Knowledge of: Fundamentals of nursing care, including medication administration; general nursing procedures and techniques involved in the forensic client/patient/inmate care; principles used in caring for individuals who are immobile; medical terminology; and general hospital/facility routine and equipment.

Ability to: Perform nursing procedures as regulated by licensure and certification; observe and document symptoms and behavior; maintain records and prepare reports; gain the interest, respect, and cooperation of forensic clients/patients/inmates; work effectively with forensic clients/patients/inmates and the interdisciplinary treatment team; function effectively in an emergency situation; and practice universal precautions.

SPECIAL PERSONAL CHARACTERISTICS

Willingness to work at State developmental centers, State ~~hospital hospitals/facilities~~, or correctional facilities ~~contracting with the Department of Mental Health for diagnostic and treatment services~~; demonstrated leadership ability; aptitude for working with forensic clients, patients, or inmates who are acutely ill, infirm, visually impaired, have an emotional disorder, or who are mentally or developmentally disordered offenders; and demonstrate emotional stability, patience, tact, and alertness.

SPECIAL PHYSICAL CHARACTERISTICS

Incumbents must possess and maintain sufficient strength, agility, and endurance to perform during physically, mentally, and emotionally stressful and emergency situations encountered on the job without endangering their own health and well-being or that of their fellow employees, forensic clients, patients, inmates, or the public.

DRUG TESTING REQUIREMENT

Applicants for positions in this class are required to pass a drug-screening test. (The drug-screening test will be waived for employees who are currently in a designated "sensitive" class for which drug testing is required under State Personnel Board Rule 213.)